

1 JEFFREY B. COOPERSMITH (SBN 252819)
2 AMY WALSH (Admitted Pro Hac Vice)
3 STEPHEN A. CAZARES (SBN 201864)
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
5 The Orrick Building
6 405 Howard Street
7 San Francisco, CA 94105-2669
8 Telephone: +1-415-773-5700
9 Facsimile: +1-415-773-5759

10 Email: jcoopersmith@orrick.com; awalsh@orrick.com;
11 scazares@orrick.com

12 Attorneys for Defendant
13 RAMESH “SUNNY” BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 RAMESH “SUNNY” BALWANI,
21 Defendant.

Case No. 18-CR-00258-EJD

**DEFENDANT RAMESH “SUNNY”
BALWANI’S ADMINISTRATIVE
MOTION TO SET NEW REPORTING
DATE**

Hon. Edward J. Davila

**NOTICE OF MOTION AND ADMINISTRATIVE MOTION
TO SET NEW REPORTING DATE**

PLEASE TAKE NOTICE that in the above-captioned case, before the Honorable Edward J. Davila, Defendant Ramesh “Sunny” Balwani hereby respectfully moves the Court to set a new date for Mr. Balwani to report to the Bureau of Prisons. The Motion is based on the below Memorandum of Points and Authorities, the record in this case, and any other matters that the Court deems appropriate.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Defendant Ramesh “Sunny” Balwani, by undersigned counsel, respectfully moves the
 3 Court to set a new date for Mr. Balwani to report to the Bureau of Prisons. On March 9, 2023, the
 4 Court denied Mr. Balwani release pending appeal and granted his Administrative Motion to
 5 Clarify Court’s Order Regarding Reporting Date. Dkts. 1743, 1744. The latter order set his
 6 reporting date as March 16, 2023, no later than 2:00 p.m. On March 15, 2023, six days after these
 7 orders, Mr. Balwani filed a motion for release pending appeal in the Ninth Circuit, which
 8 automatically stayed his reporting date. Dkt. 1746; *see also* Ninth Circuit Rule 9-1.2(e) (“If the
 9 appellant is on bail at the time the motion is filed in this Court, bail will remain in effect until the
 10 Court rules on the motion.”). The government filed its opposition to the motion on March 27,
 11 2023, and Mr. Balwani filed a reply on April 3, 2023. *United States v. Balwani*, No. 22-10338
 12 (9th Cir. Mar. 27, 2023), ECF No. 11; *Balwani*, No. 22-10338 (Apr. 3, 2023), ECF No. 12. The
 13 Ninth Circuit denied Mr. Balwani’s motion three days later on April 6, 2023. *Balwani*, No. 22-
 14 10338 (Apr. 6, 2023), ECF No. 13.

15 Given that Mr. Balwani’s March 16 reporting date has now passed, Mr. Balwani seeks an
 16 order from this Court setting a new reporting date. Mr. Balwani is making preparations to travel
 17 to Los Angeles in order to report to the Bureau of Prisons at FCI Terminal Island. This includes
 18 making air travel arrangements and ensuring his family has access to his critical documents and
 19 information. He is also actively working on his merits appeal, for which his opening brief to the
 20 Ninth Circuit is due on April 20, 2023. In order for Mr. Balwani to get all of these affairs in order,
 21 he respectfully requests that the Court set a new reporting date two weeks from today, April 20,
 22 2023. *See United States v. Patel*, No. 3:17-cr-00114 (D. Nev. Sept. 18, 2019), ECF No. 65
 23 (setting two-week self-surrender date following Ninth Circuit denial order). The government has
 24 not expressed a position on this request. *See Declaration of Jeffrey Coopersmith in Support of*
 25 *Administrative Motion to Set New Reporting Date.*

26
 27
 28

1
2 Dated: April 6, 2023

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

3
4 *s/Jeffrey B. Coopersmith*

JEFFREY B. COOPERSMITH

5
6 Attorney for Defendant
RAMESH “SUNNY” BALWANI